IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.871 OF 2005

IDBI Bank Ltd & Anr. ... Petitioners.

V/s.

Shri.P.S. Karmase & Anr. ...Respondents.

Mr.S.B. Keswani with Subodh Desai i/b Ramesh Makhija & Co. for petitioners.
Mr.U.V. Nikam APP for the State.

CORAM : V.M. KANADE, J

DATED : 03/08/2006

P.C.:-

1. By this petition, petitioners are challenging the order of issuance of process in C.C.No.192/ SLC/2001 by Metropolitan Magistrate, 13th Court at Bhoiwada. It is submitted by the learned counsel appearing on behalf of the petitioners that the Apex Court in the case of **Steel Authority of India Ltd V. National Union Water Front Workers and Others reported in AIR 2001 Supreme Court 3527** has struck down the notification on the basis of which criminal proceedings have been lodged.

2. Learned counsel appearing on behalf of respondent after taking instructions from Officer Karamchand submitted that he has verified that said notification is no longer in existence in view of the judgment of the Supreme Court in the case of **Steel Authority of India Ltd V. National Union Water Front Workers and Others reported in AIR 2001 Supreme Court 3527**.

3. I have perused the judgment of the Apex Court. In the said case in para 55 of the judgment, Supreme Court has in terms quashed notification with prospective effect. The judgment and order was delivered by Hon'ble Supreme Court on 30th August, 2001.

4. Process has been issued in the present case in the year 2003. Ratio of the said judgment, therefore, will squarely apply to the present case. In the result Criminal Case No.192/SLC/2001 is hereby quashed and set aside. Criminal writ petition is disposed of accordingly.

V.M. KANADE, J.